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20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 MICHAEL GRECCO
23 PRODUCTIONS INC.,

24 *Plaintiff,*

25 v.

26 TIKTOK, INC.,

27 *Defendant.*

28 Case No. 2:24-CV-04837-FLA-MAR

29 **APPLICATION FOR LEAVE TO
30 FILE UNDER SEAL RELATING TO
31 DEFENDANT'S MOTION FOR
32 SUMMARY JUDGMENT OR
33 PARTIAL SUMMARY JUDGMENT**

34 Hon. Fernando L. Aenlle-Rocha

35 Filed concurrently with:
36 (1) Declaration of J. Michael Keyes; and
37 (2) [Proposed] Order

38 Second Amended Complaint filed:
39 April 1, 2025

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1 PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 79-5, Defendant
2 TikTok, Inc. (“Defendant” or “TTI”) files this application to file under seal relating
3 to Defendant’s Motion for Summary Judgment or Partial Summary Judgment.

4 This Application is based on this Application for Leave to File Under Seal, the
5 following Memorandum of Points and Authorities, the Declaration of J. Michael
6 Keyes (“Keyes Decl.”) submitted herewith, the concurrently lodged Proposed Order,
7 the pleadings and evidence in the Court’s files, and any further evidence and oral
8 argument that may be requested by the Court.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 Defendant is filing a Motion for Summary Judgment or Partial Summary
11 Judgment (the “Motion”) and respectfully requests leave to file under seal:

12 (1) Portions of the Declaration of Ms. Jemili Boutros filed in support of the
13 Motion (the “Boutros Declaration”). Keyes Decl., Exh. C.

14 (2) Portions of the transcript from the deposition of Ms. Boutros, filed as
15 Exhibit 6 in support of the Motion (“Exhibit 6”). Keyes Decl., Exh. D.

16 (3) Portions of the transcript from the deposition of Mr. Michael Grecco,
17 filed as Exhibit 4 in support of the Motion (“Exhibit 4”). Keyes Decl., Exh. E.

18 (4) Portions of Defendant’s Memorandum of Points and Authorities filed in
19 support of the Motion (“Memorandum”) that quote from or summarize confidential
20 information from the Boutros Declaration, Exhibit 6, or Exhibit 4. Keyes Decl.,
21 Exh. A.

22 (5) Portions of Defendant’s Statement of Uncontroverted Facts in support
23 of the Motion (“Statement of Facts”) that quote from or summarize confidential
24 information from the Boutros Declaration, Exhibit 6, or Exhibit 4. Keyes Decl.,
25 Exh. B.

26 For the reasons below, leave to file these documents under seal should be
27 granted.

1 **I. LEGAL STANDARD**

2 While there is a strong presumption of public access to judicial records,
3 documents filed in support of a motion nevertheless may be sealed if there are
4 “compelling reasons” to protect the information contained therein. *See* L.R. 79-5.2.2;
5 *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006).
6 Courts have found that such compelling reasons exist when the filing could “become
7 a vehicle for improper purposes,” such as release of trade secrets or confidential
8 business information. *Id.* at 1179 (quoting *Nixon v. Warner Commc’ns, Inc.*, 435
9 U.S. 589, 598 (1978)). In the Ninth Circuit, courts adopted the Restatement’s
10 definition of trade secrets, which includes “any . . . compilation of information which
11 is used in one’s business, and which gives [one] an opportunity to obtain an
12 advantage over [other] competitors who do not know or use [the information].”
13 Restatement of Torts § 757, cmt. b.

14 Courts in this District routinely determine that under seal filing is appropriate
15 to limit the disclosure of confidential or sensitive business information that could be
16 used by a competitor. *See, e.g., Miotox LLC v. Allergan, Inc.*, 2016 WL 3176557, at
17 *2 (C.D. Cal. June 2, 2016); *Gasio v. Target Corp.*, 2015 WL 11387768, at *1 (C.D.
18 Cal. Jan. 30, 2015); *see also Center for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d
19 1092, 1097 (9th Cir. 2016) (factors for granting a motion to seal include when
20 documents act “as sources of business information that might harm a litigant’s
21 competitive standing”). Financial information and information relating to customers
22 are among the categories of “confidential or sensitive business information” courts
23 protect. *In re Apple Inc. Device Performance Litig.*, 2019 WL 1767158, at *2 (N.D.
24 Cal. Apr. 22, 2019); *See Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*,
25 2015 U.S. Dist. LEXIS 26519, at *5 (N.D. Cal. Mar. 3, 2015) (“Under Ninth Circuit
26 law, pricing, profit, and customer usage information, when kept confidential by a
27 company, is appropriately sealable under the ‘compelling reasons’ standard where
28 that information could be used to the company’s competitive disadvantage.”).

1 **II. ARGUMENT**

2 **A. Ms. Boutros' Testimony From Her Declaration and Deposition**
3 **Involves TTI's Confidential Information And Should be Sealed**

4 Defendant is submitting testimony from Ms. Boutros, a Senior Intellectual
5 Property Specialist, in support of its Motion. Ms. Boutros's testimony is provided
6 both through the Boutros Declaration and through Exhibit 6, which is relevant
7 portions from the July 10, 2025, deposition of Ms. Boutros. Keyes Decl. ¶¶ 5, 8, 9.
8 Ms. Boutros's testimony includes TTI's confidential business information relating to
9 policies and procedures for processing and reviewing copyright takedown notices
10 received by TTI. *Id.* ¶ 5. Notably, some of TTI's copyright policies are publicly
11 available, and TTI does not seek to file those polices under seal. *Id.* Rather, TTI
12 seeks to file under seal only information relating to TTI's internal policies and
13 procedures, which it treats as highly confidential. *Id.* Disclosure of this information
14 could provide a roadmap for third-parties to interfere with TTI's internal policies and
15 procedure or for competitors to copy and implement Defendant's confidential
16 policies and procedures. Therefore, such information is properly sealed. *E.g., Felix*
17 *v. Davis Moreno Constr., Inc.*, 2008 WL 3009867, at *1-3 (E.D. Cal. Aug. 1, 2008)
18 (recognizing that injury may result from the disclosure of confidential business
19 information, such as use of the information by competitors to "compete for [its]
20 customers, or interfere with [its] business plan and thereby gain a competitive
21 advantage in the marketplace") (citation omitted).

22 Ms. Boutros's testimony also includes confidential data relating to TTI's user
23 metrics, namely the number of TikTok users and the number of videos they have
24 posted to the TikTok platform. Keyes Decl. ¶ 6. This customer usage information is
25 highly confidential and properly sealed. *See Icon-IP Pty Ltd.*, 2015 U.S. Dist. LEXIS
26 26519, at *5 (finding "customer usage information, when kept confidential by a
27 company, is appropriately sealable"). Ms. Boutros also provides confidential
28 testimony relating to the ways that TTI generates revenues. Keyes Decl. ¶ 7.

1 Disclosure of this information could give competitors insight into TTI's business and
2 strategies that they otherwise would not have and allow them to unfairly compete
3 with Defendant. *Id.* This information is properly sealed. *Center for Auto Safety,*
4 *LLC*, 809 F.3d at 1097.

5 The confidential information described above appears in paragraphs 4, 8, and
6 11 of the Boutros Declaration and Defendant only seeks to file those portions under
7 seal, leaving the remaining paragraphs visible to the public. Keyes Decl. ¶ 8.
8 Similarly, the confidential information described above appears on less than half of
9 the pages of the transcript in Exhibit 4. *Id.* ¶ 9.

10 **B. Mr. Grecco's Deposition Testimony Involves TTI's Confidential
11 Information And Should be Sealed**

12 Exhibit 6, the transcript from the July 18, 2025, deposition of Mr. Grecco,
13 includes testimony from Mr. Grecco relating to the amount of TTI's revenues. Keyes
14 Decl. ¶ 10. TTI treats its financial information as confidential and this information
15 is properly sealed. *In re Apple Inc. Device Performance Litig.*, 2019 WL 1767158,
16 at *2 (sealing a party's financial information). This information appears on only one
17 page of the transcript. Keyes Decl. ¶ 11.

18 **C. The Portions of the Memorandum And Statement Of Facts
19 Summarizing the Referenced Testimony Should be Sealed**

20 For the reasons stated above, portions of the Boutros Declaration, Exhibit 4,
21 and Exhibit 6 are properly sealed. Keyes Decl., Exhs. C, D, E. The portions of the
22 Memorandum and Statement of Facts that TTI seeks to file under seal either
23 reproduce, quote from, or summarize the confidential information disclosed in the
24 Boutros Declaration, Exhibit 4, and Exhibit 6. Keyes Decl. ¶¶ 3–4. Thus, those
25 portions are properly sealed for the same reasons. *Id.*, Exhs. A, B.

26 **III. CONCLUSION**

27 Defendant's Application is narrowly tailored because it seeks to file under seal
28 only information relating to the categories of information identified above. None of

1 these documents will be sealed in their entirety in the public record, rather Defendant
2 will publicly file redacted versions of the Boutros Declaration, Exhibit 4, Exhibit 6,
3 Memorandum, and Statement of Facts with minimal redactions, leaving the majority
4 of these documents visible to the public. *Id.* ¶ 12. Further, this Application is
5 narrowly tailored because the information to be sealed constitutes a small fraction of
6 the evidentiary material submitted in connection with Defendant's Motion. For
7 example, Defendant does not seek to file under seal thirteen exhibits submitted in
8 support of its Motion.

9 For the foregoing reasons, Defendants respectfully request leave to file these
10 documents under seal as set forth in the Proposed Order submitted herewith.

11
12 Dated: August 22, 2025

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CERTIFICATE OF SERVICE

2 I hereby certify that on August 22, 2025, a true and correct copy of the
3 foregoing was filed electronically using the Court's CM/ECF system, which shall
4 send notification of such filing to all counsel of record. Any counsel of record who
5 has not consented to electronic service through the Court's CM/ECF system will be
6 served by electronic mail.

/s/ J. Michael Keyes
J. Michael Keyes, SBN 262281